

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 2-9 and 11-15 are pending in the present application, Claims 2-9 and 11-15 having been amended, and Claims 1 and 10 having been canceled without prejudice or disclaimer. Claims 2-9 and 11-15 are amended to more clearly describe and distinctly claim the subject matter regarded as the invention. Support for the present amendment can be found in the specification and claims as originally filed. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 1 was objected to; Claim 6 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 3, 9, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thro et al. (U.S. Patent No. 5,940,768, hereinafter “Thro”) in view of Appel et al. (U.S. Patent No. 6,272,336, hereinafter “Appel”); Claim 8 further in view of Carsello et al. (U.S. Patent No. 6,529,566, hereinafter “Carsello”); Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thro in view of Appel, and further in view of Hiramatsu et al. (U.S. Patent No. 6,522,869, hereinafter “Hiramatsu”); Claims 2, 4, 5, 11, and 13-15 were objected to for depending from a rejected base claim, but were otherwise indicated as including allowable subject matter; and Claims 6 and 7 were indicated as including allowable subject matter if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Applicants acknowledge with appreciation the indication of allowable subject matter. In response, Claims 2, 4, 5, 11, and 13 are amended to be in independent form. Additionally, Claims 3, 8, and 9 are amended to depend from allowable Claim 2, and Claim 12 is amended

to depend from allowable Claim 11. Thus, it is respectfully submitted that Claims 2-5, 8, 9, and 11-15 are in condition for allowance.

As Claims 1 and 10 are canceled by the present amendment, it is respectfully submitted that the outstanding objection and rejection of Claim 1 and rejection of Claim 10 are moot.

In response to the outstanding rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, Claim 6 is amended to recite “a modulation.” Therefore, it is respectfully requested that the outstanding rejection of Claim 6 under 35 U.S.C. § 112, second paragraph be withdrawn. It is respectfully submitted that Claim 6, and Claim 7 which depends therefrom, are also in condition for allowance.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Joseph Wrkich
Registration No. 53,796